



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Education

TITLE-SERIES: 126-042

RULE TYPE: Legislative
Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Assuring the Quality of Education: Regulations for
Education Programs (2510)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler,
180 W. Va. 451; 376 S.E.2d 839 (1988)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2018

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 42
ASSURING THE QUALITY OF EDUCATION: REGULATIONS FOR EDUCATION PROGRAMS (2510)

§126-42-1. General.

1.1. Scope. -- This legislative rule establishes the regulations for all education programs that are designed to prepare all students for a global society by improving the quality of teaching and learning in the public schools and ensuring that equal education opportunities include, but are not limited to: rigorous high-quality curriculum, engaging instructional strategies, experiential learning programs, support programs, personnel, instructional resources, supplies, equipment, technology integration, and facilities.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code §§18-1-1 and 4; 18-2-5 and 6; 18-2-7a; 18-2-39; 18-2E-4, 5, 7, and 8; 18-2E-9; 18-5A-4; and 18A-1-1.

1.3. Filing Date. -- January 11, 2018.

1.4. Effective Date. -- July 1, 2018.

1.5. Repeal of Former Rule -- This legislative rule amends W. Va. 126CSR42, West Virginia Board of Education (WVBE) Policy 2510, Assuring the Quality of Education: Regulations for Education Programs, filed April 14, 2016 and effective July 1, 2016 and repeals W. Va. 126CSR150, WVBE Policy 5500.1, The Study of Multicultural Education for School Personnel, filed December 27, 1982, and effective February 27, 1983.

§126-42-2. Purpose.

2.1. The WVBE is committed to establishing rigorous academic standards and providing high-quality programs for every student in West Virginia's public schools. The WVBE will collaborate with parents, educators, communities, business and industry, and higher education to fulfill this commitment. It is imperative that local boards of education, the school, community, students, and families of students cooperate to establish high expectations for student performance and become actively involved in the education process, thereby enabling students to succeed in the classroom and the workplace, lead healthy, rewarding, and productive lives, and participate responsibly in society.

2.2. Each county education program shall provide the necessary resources, including technology, to ensure that students attain high standards of performance. At early levels, students will achieve proficiency in the basic skills of literacy, mathematics, science, social studies, the arts, learning skills, and technology tools. Achievement of these skills will provide the foundation for later intellectual challenges in all programs of study. Students will explore their interests and abilities and engage in relevant activities to help them understand the world of work. Technology will be a tool to help achieve these standards in all schools. The WVBE anticipates the provision of sufficient resources and support, including an adequate system of professional learning, appropriate instructional materials, and reliable

assessment measures, to realize the goal of producing students who are college- and career-ready as defined by the WVBE.

2.3. Schools, in cooperation with county boards of education, will determine their individual curriculum, teaching methods, and instructional design, pursuant to this policy, to assist students in achieving high levels of performance in the adopted and approved content standards. Appropriate accountability measures will ensure that students and educators achieve high levels of performance.

§126-42-3. Scope.

3.1. The major purposes of these regulations are to improve the quality of learning and teaching in the public schools and to ensure that equal education opportunities are provided to all public school students. Equal education opportunities to achieve one's potential include, but are not limited to: comparably high-quality programs of study, including exploring career development opportunities; student support programs; personnel; facilities; instructional materials; supplies; equipment; technology integration; and effective instructional practices. Given the demands of the global marketplace, it is essential that all students become lifelong learners prepared for successful entry into postsecondary education or the workplace.

3.2. Ensuring a quality education implies that a thorough and efficient education system exists that provides equal access to substantive curricular offerings and appropriate related services for all students. Providing such an education system must be the goal of the WVBE, West Virginia Legislature (Legislature), West Virginia Department of Education (WVDE), county boards of education, and the citizens of West Virginia. This policy provides the basic structure for all education programs and student support services necessary for a thorough and efficient system of education to be available to all students. The elements of a thorough and efficient system of education are:

3.2.a. high-quality education programs, student services, career exploration and experiential learning opportunities;

3.2.b. high-quality administrative and instructional practices, personnel, facilities, instructional materials, technology integration, supplies, and equipment;

3.2.c. a safe and caring environment that fosters supportive relationships, is free from harassment, intimidation, bullying, discrimination, and other inappropriate forms of conduct, and involves parents;

3.2.d. an appropriately demanding curriculum for all students, with emphasis on the programs of study that are aligned with rigorous standards, learning skills and technology tools, and are communicated to students, parents, and communities; and

3.2.e. accountability measures to ensure the public that a thorough and efficient system of education is being provided to students enrolled in the public schools of West Virginia.

§126-42-4. General Responsibilities.

4.1. The responsibility for developing and implementing high-quality education programs is shared as follows:

4.1.a. Responsibility of the WVBE -- The WVBE has primary responsibility for defining and assuring the delivery of a thorough and efficient system of education through the state superintendent of schools and the WVDE. Given this responsibility, the WVBE shall:

4.1.a.1. adopt high-quality education standards pertaining to all education programs, education personnel development, and related services;

4.1.a.2. adopt policies providing equal education opportunities for all students that equip them with the skills and knowledge to succeed, to learn throughout their lifetimes, and to attain economic self-sufficiency;

4.1.a.3. serve as an advocate for a thorough and efficient system of public education;

4.1.a.4. establish partnerships with higher education, business and industry, labor and community agencies to ensure preparation of graduates for college, other postsecondary education, and gainful employment and to achieve the goals of this policy;

4.1.a.5. adopt, in collaboration with West Virginia Higher Education Policy Commission (WV HEPC) and Council for Community and Technical College Education, uniform and specific college- and career-readiness standards as outlined in W. Va. Code §18-2-39;

4.1.a.6. assist county boards of education and other participating agencies in implementing and operating high-quality education programs and related services;

4.1.a.7. receive, disburse and administer state and federal funds designated for the implementation and operation of education programs and related services;

4.1.a.8. monitor the implementation and operation of education programs and related student support services to ensure compliance with state and federal laws and policies;

4.1.a.9. provide an effective mechanism for citizens to register concerns if they believe that elements of a thorough and efficient education program are not being provided pursuant to constitutional provisions, statutes, and/or policy as outlined in W. Va. 126CSR188, WVBE Policy 7211, Appeals Procedure for Citizens;

4.1.a.10. provide exceptions and consideration for extenuating circumstances, when suitable alternatives are proposed, that ensure the attainment of the same or higher standards through the waiver process outlined in W. Va. Code §18-5A-3; and

4.1.a.11. report progress toward attainment of state education goals to the public and the Legislature.

4.1.b. Responsibility of the WVDE -- The WVDE has a primary leadership role in: 1) defining and developing the framework for education programs and services, 2) assisting county boards of education to ensure delivery of these programs and student support services, and 3) assuring the WVBE, the Legislature and the public that a thorough and efficient system of education is being provided. It is the further responsibility of the WVDE to:

4.1.b.1. work for and provide staff support to the state superintendent of schools and the WVBE;

4.1.b.2. provide capacity-building resources and technical assistance to county boards of education, institutions of higher education (IHE), and related agencies;

4.1.b.3. encourage the use of best practices based on quality, scientifically-based research at each programmatic level;

4.1.b.4. disseminate information concerning the content and implications of standards, policies, and state and federal laws to county boards of education, IHEs, the business community, parents, professional organizations, educational agencies, and other individuals and groups;

4.1.b.5. develop procedures, guidelines, and technical assistance documents necessary to implement the WVBE policies and state laws;

4.1.b.6. develop, provide, and participate in programs for professional learning based on research and W. Va. 126CSR149, WVBE Policy 5500, Professional Learning for West Virginia Educators (Policy 5500);

4.1.b.7. monitor the implementation of education programs;

4.1.b.8. administer funds provided and/or authorized by the Legislature and other sources;

4.1.b.9. maintain appropriate records and reports on the status of education programs and approved education personnel development programs;

4.1.b.10. be accountable to the public and the Legislature through the West Virginia Report Card; and

4.1.b.11. provide recommendations to the WVBE to update a plan for a thorough and efficient system of public education.

4.1.c. Responsibility of County Boards of Education -- It is the responsibility of each county board of education to plan, deliver, and evaluate the education programs and student support services necessary to implement a thorough and efficient system of public education. The programs of study and student support services mandated by regulations must be made available to all students.

4.1.c.1. In carrying out this responsibility, a county board of education may: 1) cooperate with one or more counties in establishing and maintaining joint programs; 2) contract for services with public or private agencies having appropriate programs; and 3) coordinate and share programs, related services, and resources with other organizations, agencies, and local businesses.

4.1.c.2. Regardless of the method chosen, each county board of education shall: 1) collaborate with local business and community groups through establishment of partnerships and a county steering committee; 2) be responsible for developing and implementing a strategic plan that results in systemic change in the areas of organizational culture, curriculum, instruction, school

effectiveness, and student support through a continuous improvement process, based on W. Va. 126CSR41, WVBE Policy 2460, Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet (Policy 2460) and West Virginia Virtual School (WVVS) (Section 6.2.e); 3) distribute the county board's resources as determined by the plan; and 4) be accountable to the public through the annual West Virginia Report Card.

§126-42-5. Program Definition and Design.

5.1. The education program offered in West Virginia schools is defined in broad terms as all of the education activities that take place during the instructional day and the school year. The education program provides education opportunities for students to achieve high levels of learning in programs of study through approved content standards that prepare students to be lifelong learners and successful citizens in a competitive global society. The education program is based upon information provided through research relevant to best practices and promising next practices in teaching and learning. The education program is structured and based on three programmatic levels: Early Learning Programs, Middle School Programs, and High School Programs. Each county board of education shall establish policies and implement written procedures to define its education program in accordance with the definitions and requirements that follow.

5.2. Early Learning Programs (Grades Pre-K-5) -- Early Learning Programs address the holistic needs of all students in grades Pre-K-5. A comprehensive approach to early learning is inclusive of a balanced focus on knowledge and skill-building as well as the development of positive dispositions to learning. This approach also provides the potential to improve child outcomes and close achievement gaps. Based on knowledge of child development and developmentally appropriate practices for learners, the following Early Learning Programmatic levels are established: Early Learning Readiness (Pre-K-Kindergarten); Early Learning Primary (Grades 1-2); and Early Learning Intermediate (Grades 3-5). Early Learning Programs promote a comprehensive approach to strengthening individual students' literacy proficiency throughout school, specifically regarding the integration of language and communication, mechanics of reading, and content knowledge in developmentally appropriate contexts. To close the literacy achievement gap for all students by third grade, Early Learning Readiness and Primary Programs support students' development of approaches to learning that provide eagerness for, and interest in, the processes of learning that lead to literacy proficiency. Opportunities to demonstrate literacy growth over time as part of a holistic approach to learning include, but are not limited to, measuring students' proficiency with reading development during the third grade year and beyond.

5.2.a. Early Learning Readiness (Grades Pre-K-Kindergarten) -- Programs serving students enrolled in Early Learning Readiness grades help students establish positive dispositions to learning and provide foundations for development across all domains and content areas to be successful in first grade and with lifelong learning. Emphases on social/emotional, cognitive, and motor development provide the foundations of the Early Learning Readiness grades. To support school readiness efforts and to assure the use of developmentally effective methods for students prior to entering first grade, Early Learning Readiness grades utilize the WVBE approved framework for school readiness per W. Va. 126CSR28, WVBE Policy 2525, West Virginia's Universal Access to Quality Early Education System (Policy 2525). A primary component of West Virginia's School Readiness framework is the West Virginia Early Learning Reporting System (WV ELRS), which is inclusive of a formative assessment process that provides ongoing individual and population outcome data to inform instruction, personalize learning, and share students' progress with families. The formative assessment process also ensures that developmentally appropriate interactions, competencies, experiences, and skills are measured

effectively. Data reporting for West Virginia Pre-K occurs three times per year per Policy 2525, and for Kindergarten at least one times during the last reporting window using the WV ELRS.

5.2.b. Early Learning Primary (Grades 1-2) -- The Early Learning Primary grades build on the comprehensive approach to personalizing learning inherent in the Early Learning Readiness grades and provide a context for the development of knowledge and skill building across all content areas. Development continues to span across a broad spectrum for all students and is significant in the offering of daily instruction. Using a formative assessment process that provides data to inform instruction, personalize learning, and share students' progress with families, Grades 1 and 2 programs employ formative assessment methods to assure developmentally appropriate interactions, competencies, experiences, and skills are measured effectively.

5.2.c. Early Learning Intermediate (Grades 3-5) -- Students in the Early Learning Intermediate grades are beginning the transition into middle childhood. An emphasis on the developmental levels of these students must be a continued consideration to support personalized learning, maintaining a balance between content specific focus and integration of content areas of study.

5.2.d. Early Learning Programming (Grades Pre-K-5)

Chart I: Foundations for High-Quality Developmentally Appropriate Early Learning Programming (Grades Pre-K-5)	
Standards-Focused Curriculum	
<p>A holistic approach to early learning requires teachers to be knowledgeable about child development and skilled in providing experiences that meet students' needs. Social/emotional, cognitive, and physical development are interrelated domains which emphasize the development of positive dispositions to learning.</p> <p>Best practices for a comprehensive approach to early learning instruction indicate appropriate and sufficient emphases in all content areas are provided. Developmentally appropriate integration of content is utilized to provide rigor based on students' prior experiences, knowledge, and developmental levels.</p>	<p>Developmental Domains Social/Emotional Cognitive Physical</p> <p>Content Areas English Language Arts (ELA) Mathematics Music Science Social Studies Visual Art Wellness Education</p>
Developmentally Appropriate Practices for Physical Health and Wellness	
<p>Students in Early Learning Programs require multiple opportunities to engage in movement experiences throughout the instructional day, enhancing the critical link between physical activity and brain functioning.</p> <p>In grades Kindergarten-5 at least 30 minutes of physical education, including physical exercise and age appropriate physical activities, for at least three days a week shall</p>	

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Foundations for Student Success and Career Readiness	
<p>A standards-based, integrated school counseling program will assist early learning students with the acquisition of school success and career-readiness skills to prepare for success in middle and high school, a variety of postsecondary options, and becoming globally competent citizens. School counselors work collaboratively with other school staff to assist students with overcoming personal/social barriers to learning, academic planning, and making a seamless transition to middle school. Refer to W. Va. 126CSR67, WVBE Policy 2315, Comprehensive School Counseling Program (Policy 2315).</p> <p>During the early learning years, students' development of positive approaches to learning, problem solving skills, social competence, independence, and sense of self in relationship to the world around them emerge. College-, career-, and citizenship-readiness focus on developmentally appropriate understandings of foundations of executive functioning. Non-occupational Career and Technical Education (CTE) foundation/exploratory experiences directly connected to current county approved CTE offerings will be available in grade 5.</p>	<p>Comprehensive School Counseling Program</p> <p>College, Career and Citizenship Readiness</p>

5.2.e. Classroom Learning Environments, Routines, and Instructional Practices (Grades Pre-K-5)

Chart II: Classroom Learning Environments, Routines, and Instructional Practices (Grades Pre-K-5)		
Early Learning Readiness (Grades Pre-K-Kindergarten)	Early Learning Primary (Grades 1-2)	Early Learning Intermediate (Grades 3-5)
Early Learning Programs provide responsive environments that include time, space, and developmentally appropriate materials necessary to create print- and language-rich environments conducive for learning and integration of standards. Classrooms are designed and equipped in a manner that supports discovery, small group and individual learning, exploration, and problem solving. Classrooms have sufficient quantity and variety of appropriate materials and resources to support student-centered learning.		
Early Learning Readiness and Primary programs ensure transitions are minimized throughout the day to provide students with maximized opportunities to engage in developmentally effective experiences.		Early Learning Intermediate programs ensure blocks of time are sufficient in duration for student engagement and content integration.
Early Learning Readiness Grades ensure sufficient time is provided for students to engage in developmentally effective experiences that promote developmental growth in all applicable state-approved content standards.	Early Learning Primary and Intermediate grades ensure sufficient time is provided for students to master content and skills as specified in all applicable state-approved content standards.	
Early Learning Readiness grades utilize a holistic approach to ensure content areas are interrelated, not addressed in isolation, and are based on	Early Learning Primary grades integrate content areas through developmentally appropriate experiences and instruction based on interests and prior	Early Learning Intermediate grades may be ready for developmentally appropriate instruction that is content area focused. This does not preclude

developmentally appropriate experiences that focus on students' interests and prior knowledge.	knowledge.	the use of integrated instruction that includes student-driven experiences based on interests and prior knowledge.
Instruction in Early Learning Programs is personalized and based on the formative assessment process. Collecting authentic evidence is a central component to documenting student progress.		
Early Learning Readiness grades focus on individualized learning through a developmental context.	Appropriate implementation of Personalized Learning foundations may be utilized to help students achieve mastery or above in English/language arts and mathematics in all Early Learning Primary and Intermediate grades.	

**Guidance for Foundations for High-Quality Early Learning Programming, Classroom Learning Environments, Routines, and Instructional Practices provided by the Division of Teaching and Learning.*

5.3. Middle School Programming (Grades 6-8) -- Grades 6-8 build on the results of early childhood education and transition students into the high school program. Successful middle school programs are characterized by a culture that is inviting, inclusive, and supportive of all. Significant academic learning experiences, characterized by rigorous content, vigorous instruction, and high expectations for all learners within a developmentally appropriate, safe, and supportive school, are the norm. The middle school experience is challenging, exploratory, integrative, and relevant. Middle school educators use multiple learning and teaching approaches resulting in authentic engagement in active, purposeful learning. Students learn to understand important concepts, develop essential skills, and apply what they learn to real-world problems. The environment and culture of middle school should lead to every student having at least one trusted adult advocate who is familiar with the student's academic development and personal goals. The creation of this learning community of both adults and students produces a stable and mutually respectful relationship that supports the students' personal, intellectual, ethical, and social growth.

5.3.a. Middle School Programming (Grades 6-8)

Chart III: Foundations for High-Quality Developmentally Appropriate Middle School Programming (Grades 6-8)*	
Standards-Focused Curriculum	
<p>The programs of study will be taught by a team of qualified teachers. A diverse set of developmentally appropriate instructional strategies will scaffold students to mastery and beyond of the grade level content standards. The principal and a team of teachers will determine an adequate amount of time necessary to achieve mastery of the approved content standards for each program of study and effectively address the academic needs of all students in the literacy skills of reading, writing, speaking and listening, and language in all content areas.</p> <p>In accordance with W. Va. Code §18-9D-19a, comprehensive middle schools must provide engaging and empowering learning opportunities where students are provided: a comprehensive curriculum with embedded career exploration and project-based career activities; career development and counseling; and learning and life connection experiences for all students. All students will receive structured, on-going experiences for career awareness, exploration, decision-making,</p>	<p>English Language Arts (ELA) Mathematics Science Social Studies Music Visual Art Wellness Education</p>

<p>instructional Career and Technical Education (CTE) practices and career preparation exposing students to all 16 career clusters. Career development must include Integrated Career Exploration and/or Simulated Workplace learning for all students in grades 6, 7, and 8. Students will utilize career exploration and learning activities to guide education planning and career while documenting a personalized career portfolio that is transportable throughout the student's middle and high school career.</p> <p>Grade-band and/or individual courses for grades 6-8 in visual art, choral, and instrumental music (band or orchestra) will be offered to all students during the middle school experience. Chorus or instrumental music may be substituted for a general music course at each grade level.</p> <p>Wellness education includes both physical education and health standards that must be taught towards mastery each year in grades 6-8. Physical education, including physical exercise and age appropriate physical activities, must be taught not less than one full period of each school day of one semester of the school per W. Va. Code §18-2-7a. At least 50 percent of class time for physical education will be spent in moderate to vigorous-intensity physical activity. Schools not having the number of certified physical teachers or required physical setting may develop alternate programs that will enable current staff and physical settings to be used to meet the physical education requirements. Alternate programs shall be submitted to the WVDE for approval.</p> <p>The West Virginia Personalized Learning (PL) framework is a statewide initiative that suggests flexible use of resources to provide relevant academic, social/emotional and/or behavioral support to enhance learning for all students. PL is characterized by a seamless system of high-quality instructional practices allowing all students to sustain significant progress, whether they are considered at-risk, exceeding grade-level expectations or at any point along the continuum.</p>	Personalized Learning (PL)
Practices for Physical Activity	
<p>Middle schools should recognize that healthy lifestyles and academic success are tightly interwoven. Therefore, schools should promote wellness activities that extend beyond the course requirements for physical education and health. This may be accomplished through programs that focus on skill development, sportsmanship, and teamwork. Opportunities will be provided for 30 minutes of moderate to vigorous integrated physical activity daily to keep middle grades students physically active throughout the school year. Wellness education should target the widespread behaviors that undermine the health and resulting capacity for personal success during adolescence.</p>	Physical Activity
Practices for Global Competence	
<p>Global competence includes the use of knowledge and skills to investigate the world beyond our immediate environment, recognize our own and others' perspectives, communicate ideas effectively with diverse audiences, and translate ideas into appropriate actions. Diversity and Multicultural Education must be developed and</p>	Diversity and Multicultural Education

<p>implemented to foster an environment of respect of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.</p> <p>Communicating in a global society requires students to apply developmentally appropriate language strategies through embedded opportunities to explore and gain an understanding of the world around them. World languages will be offered annually. Offering a world language in grade 6 is encouraged. A course in the same world language will be offered for students in grade 7 and grade 8. Implementation of the world language program should model best practices and should promote positive proficiency outcomes.</p>	World Languages
Practices for Technology Integration	
<p>The educational environment will lead to proficiency and comfort with a variety of technology devices and programs. This proficiency and comfort should be modeled by teachers to support instruction and skill acquisition. Students will be provided regular opportunities within the context of coursework to master the standards set forth in Policy 2520.14. Students will be provided sufficient opportunities in digital literacy, computer science and technology skills to meet the standards by the end of 8th grade. The infrastructure of classrooms should infuse technology and pedagogy into instruction, thus leading to improved student engagement and an environment where students construct authentic products, often collaborating in the process. Technology-infused activities should, if possible, extend the learning environment beyond the normal school day or setting and extend the development of digital citizenship skills in students.</p> <p>It is important that students understand the difference between being a user of technology and a creator of technology and to have the opportunity to do both.</p>	Technology and Computer Science
Practices for Formative Assessment Processes	
<p>Teachers employ formative assessment processes to guide daily instruction in middle school programming. Appropriate formative assessment processes provide data to inform classroom instruction. Teacher use various forms of evidence demonstrating students' progressions of learning across content areas to personalize learning.</p>	Formative Assessment
Foundations for Student Success and Career Readiness	
<p>A standards-focused, integrated school counseling program will assist with the acquisition of school success and career-readiness skills to prepare all students for high school and postsecondary success. School counselors will work collaboratively with other school staff to assist students with academic and postsecondary planning that leads to seamless transitions to the identified postsecondary option. Refer to Policy 2315 to ensure alignment with policy requirements.</p> <p>Middle schools will implement an advisory system that provides students with meaningful supportive relationships and maximizes each student's personalized learning experience. An adult advocate, advisor, or mentor will take an interest in each student's learning, goal setting, career planning, and personal growth. The</p>	<p>Comprehensive School Counseling Program</p> <p>Student Advocate / Advisor / Mentor</p>

<p>advisory system will be evidence- and standards-based to systemically address W. Va. 126CSR44U, WVBE Policy 2520.19, West Virginia College- and Career-Readiness Dispositions, and Standards for Student Success for Grades K-12 (Policy 2520.19) and include the development of each student's Personalized Education Plan (PEP), career portfolios, social emotional learning and, the teaching of other skills that enhance school success, and build competent global citizens.</p>	
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** See Middle School Best Practices Document provided by the Division of Teaching and Learning.*

5.3.b. In grades 6-8, the school staff will provide a school-wide, systematic guidance and advisory approach to ensure that PEP planning and career exploration are multi-faceted and individualized, guiding students and their parent and/or guardian to thoughtfully explore individual interests and aptitudes in relation to academic and career planning. The PEP guides each student's course selections based on individual career aspirations and postsecondary plans. The PEP is developed for each student in consultation with the student's parent and/or guardian and school counselor and advisor. Beginning in 6th grade the advisor ensures each student has multiple opportunities to investigate careers in each of the 16 career clusters, explore postsecondary training options related to various careers, and complete a variety of self-discovery inventories. The PEP is used to guide, personalize, and maximize each student's learning experience.

5.3.b.1. During the 8th grade year, the first phase of the student's PEP is developed to identify a career cluster program of study, and course selections for grades 9 and 10 utilizing information gained from self-discovery and career investigation occurring in grades 6-8.

5.3.b.2. Each student, in consultation with his or her parent and/or guardian and the school counselor, advisor, and/or Individualized Education Program Team (IEP Team), will have the opportunity to select a state-approved, broad career clusters and a program of his/her area of interest for future exploration in high school. The student may amend his or her PEP at the end of any semester as long as it does not interfere with the completion of graduation requirements and is based on the availability of courses.

5.3.b.3. Following the process described in the above sections, the counselors and/or student advisor actively engage the parent/guardian and student in a meeting to discuss and make any final revisions to the PEP. Upon agreement to the final PEP changes, signatures of the student and parent and/or guardian are secured and the advisory and counselor sign to verify their input. The student and parent and/or guardian are provided a copy of the PEP with the understanding there will be opportunities to make changes to the PEP in an annual review process.

5.4. High School Programming (Grades 9-12) -- Each high school shall provide challenging and rigorous courses in the programs of study in grades 9-12 that enable students to achieve high levels of competence for academic and career development. High schools will incorporate the W. Va. Policy 2520.19 across content areas and teacher-led advisory programs. Students will be provided opportunities to develop intellectual, social/emotional, physical and technological capacities needed for successful transitioning beyond graduation to ensure all students are college- and career-ready. Students will be provided the opportunity to develop foundational knowledge and skills for their success in a global society.

5.4.a. High School Programming (Grades 9-12)

Chart IV: Foundations for High-Quality Developmentally Appropriate High School Programming (Grades 9-12)
22 credits required: 18 prescribed and 4 personalized

Chart IV High School Programming (9-10, 11-12) The minimum graduation requirements are 22 credits. (see Section 5.4.f.3)

Graduation requirements are effective for the 2018-2019 freshman cohort, and thereafter or as otherwise specified. Courses needed for graduation require mastery of approved content standards. Students should consult with their chosen postsecondary educational/training program when choosing course options and electives. The required courses outlined below are designed to build strong content knowledge across disciplines by engaging students in work of quality and substance. In grades 9 and 10, students build foundational knowledge and skills. In grades 11 and 12, students enter into a personalized aspect of their PEP, focusing carefully on selected coursework that leads to successful completion of their personal and academic goals. Each student's coursework will be designed to lead directly to placement in entry-level, credit-bearing academic college courses, an industry-recognized certificate or license, or workforce training programs. Students who do not demonstrate mastery of the approved content standards shall be provided extra assistance and time through personalized learning and support.

Graduation Requirements (18 prescribed)

English Language Arts*	4 credits English 9 English 10 English 11 English 12 or English 12 CR or Transition English Language Arts for Seniors* An Advanced Placement (AP®) English course may be substituted for any of the above courses.
Mathematics*	4 credits Math I or Algebra I Math II or Geometry Math III STEM, or Math III LA or Math III TR or Algebra II Math IV - Trigonometry/Pre-calculus or Math IV TR or Transition Mathematics for Seniors* or any other fourth course option (see Chart V and 5.4.c.4) An AP® Mathematics course may be substituted for an equivalent course or any fourth course option.
Science*	3 credits Earth and Space Science (Grade 9) Biology or AP® Biology (Grade 10) One additional science course or AP® science course (see Chart V)
Social Studies*	4 credits 1 credit from World Studies or an AP® Social Studies course (see Chart

	<p>permit a student to choose up to 14 personalized credits on a block schedule and up to 10 on a traditional schedule. When choosing electives, students should consult with their chosen postsecondary educational programs to make sure the electives are acceptable. Best practices encourage students to take at least one computer science course.</p>
Community Readiness Program of Study	<p>Students with disabilities may earn 4 credits in Community Readiness Training recommended through an IEP Team as a personalized program of study.</p>
Career and Technical Education (CTE)*	<p>The high school must offer students in grades 9-12 engaging and empowering career development learning opportunities that include: Structured, on-going CTE experiences for career awareness, exploration, decision-making, and career preparation exposing students to all 16 career clusters within a Simulated Workplace/project-based hands-on environment.</p> <p>A CTE program of study is aligned with the approved 16 career clusters and consists of 4 courses identified for WVDE approved career and technical programs of study. (Refer to W. Va. 126CSR44M, Policy 2520.13, West Virginia College- and Career-Readiness Programs of Study/Standards for Career and Technical Education (Policy 2520.13) and current WVEIS course code manual.) Each career and technical program of study in a school shall provide students the opportunity to obtain an industry recognized credential as part of the instructional program when applicable.</p> <p>Multi-County Centers, County CTE Centers, and Comprehensive High Schools must provide students with access to program of study in a minimum of 6 of the 16 approved WV Career Clusters.</p> <p>Eighty percent of students in grades 9 and 10 must have access to at least one career and technical foundations course.</p> <p>Thirty percent of students in grades 11 and 12 must have access to four units in a career and technical program of study and two career and technical electives.</p> <p>A CTE completer is identified by successful completion of the four required courses outlined within the WVDE approved career and technical programs of study. (Refer to Policy 2520.13 and current WVEIS course code manual.)</p> <p>Approved WV Career Clusters</p> <ul style="list-style-type: none"> Agriculture, Food and Natural Resources Architecture and Construction Arts, A/V Technology and Communication

	<p>Business Management and Administration</p> <p>Education and Training</p> <p>Finance</p> <p>Government and Public Administration</p> <p>Health Sciences</p> <p>Hospitality and Tourism</p> <p>Human Services</p> <p>Information Technology</p> <p>Law, Public Safety, Correction and Security</p> <p>Manufacturing</p> <p>Marketing</p> <p>Science, Technology, Engineering and Mathematics</p> <p>Transportation, Distribution and Logistics</p> <p>Two options exist for students with IEPs to complete a CTE program of study:</p> <ol style="list-style-type: none"> 1. The typical completion of a CTE program of study with/without accommodations and supports if a student is capable of passing 100% of the safety exam for the respective program of study. 2. Individual Work Ready Competencies (see Section 11.36).
CTE Accommodations for Students with Disabilities	
Practices for Global Competence	
Diversity and Multicultural Education	Global competence includes the use of knowledge and skills to investigate the world beyond our immediate environment, recognize our own and others' perspectives, communicate ideas effectively with diverse audiences, and translate ideas into appropriate actions. Diversity and Multicultural education programs must be developed and implemented to foster an environment of respect of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.
World Languages	Communicating in a global society requires students to apply appropriate language strategies through embedded opportunities to explore and gain an understanding of the world around them. Undergraduate admission to some four-year colleges and universities includes the completion of two units of the same world language. Students need to consult with their postsecondary educational programs concerning world language requirements.
Practices for Student Success and Career Readiness	
Career Development	All students in grades 9-12 will be provided structured, on-going opportunities for career exploration, decision-making, and career preparation. Career development shall use an integrated approach, where all staff assist students to explore the 16 career clusters during the instructional day. Career exploration will include opportunities for students to discover their interests in emerging careers including STEM careers in science, oil & gas, technology, computer science, engineering,

	<p>and mathematics. Student advisors will use each student's career awareness activities to develop the PEP. Advisors will assist students and their parents to utilize their various interests, learning styles, and career and academic assessments to guide educational planning and career choices. Career development requirements include:</p> <ol style="list-style-type: none"> 1) Offering WVDE CTE approved Programs of Study with required four courses for completion and Simulated Workplace environments; and/or 2) Provide an integrated curriculum approach that engages all faculty members in instructional CTE practices that permit all students instruction to explore the 16 career clusters; and/or 3) Students will utilize career exploration and learning activities to guide high school, postsecondary education, and career planning opportunities while documenting a personalized career portfolio that is transportable throughout the student's high school career; and/or 4) Career exploration will include opportunities for students to explore their career interests and personal strengths in emerging and labor market demand occupations. Emerging and high demand occupation areas shall be continuously identified through the collaborative efforts of the WVDE Division of Technical Education, the Governor's Economic Initiative, and the West Virginia Department of Commerce.
Comprehensive School Counseling Program	<p>A standards-focused, integrated school counseling program will assist students with the acquisition of school success and career readiness skills to prepare for high school and postsecondary success. School counselors will work collaboratively with other school staff to assist students with academic and postsecondary planning that leads to seamless transitions to the identified postsecondary options. Refer to Policy 2315 to ensure alignment with policy requirements.</p>
Simulated Workplace	<p>All state-approved CTE programs of study require a classroom shift to a workplace environment for students enrolled in the 3rd and 4th required program of study courses. All Simulated Workplace protocols must be implemented:</p> <ul style="list-style-type: none"> • Student Led Companies • Application/Interview Structure • Formal Attendance System • Drug Free Work Zone • 5S Environments • Safe Work Areas • Work Place Teams • Project-Based Learning/Student Engagement

	<ul style="list-style-type: none"> • Company Name and Handbook • Company Meetings • Onsite Business Reviews • Accountability (data review, report, and technical assessments)
Student Advocate/Advisor/Mentor	High schools will implement an advisory system that provides students with meaningful supportive relations and maximizes each student's personalized learning experience. An adult advocate, advisor, or mentor will take an assessment of the student's interest, learning, goal setting, career planning, and personal growth. The advisory system will be evidence- and standards-based to systemically address Policy 2520.19 and include the development of each student's PEP, career portfolios, social/emotional learning, and the teaching of other skills that enhance schools success and build competent global citizens.
Formative Assessment	Teachers employ formative assessment processes to guide daily instruction in high school programming. Appropriate formative assessment processes provide data to inform classroom instruction. Various forms of evidence demonstrating students' progressions of learning across content areas are utilized to personalize learning.
Physical Activity	High schools should recognize that healthy lifestyles and academic success are tightly interwoven. Therefore, schools should promote wellness activities that extend beyond the course requirements for physical education and health. This may be accomplished through programs that focus on skill development, sportsmanship, and teamwork. Opportunities should be provided for 30 minutes of moderate to vigorous integrated physical activity daily to keep high school students physically active throughout the school year. Wellness education should target the widespread behaviors that undermine the health and resulting capacity for personal success during adolescence.
Technology and Computer Science	<p>Students in grades 9-12 will be provided regular opportunities within the context of normal course work to master the standards set forth in Policy 2520.14. The infrastructure of classrooms should infuse technology and pedagogy into instruction, thus leading to improved student engagement. It is recommended that all students complete a computer science course and an online learning experience during grades 9-12. Students must be provided opportunities for advanced technology learning.</p> <p>It is important that students understand the difference between being a user of technology and a creator of technology, and have the opportunity to do both.</p>

** See High School Best Practices Document provided by the Division of Teaching and Learning.*

5.4.b. High School Programs Course Options (Grades 9-12)

Chart V: High School Programming (9-12) Course Options		
	Courses Required To Be Offered in addition to all courses listed in Chart IV	Additional Course Options
English Language Arts*	Transition English Language Arts for Seniors A minimum of one AP® English courses	English 12 CR Additional AP® English Courses English Language Arts College Courses Other English Language Courses based on student need and interest International Baccalaureate (IB) Program Courses
Mathematics*	Math I Lab or Algebra I Support Math IV - Trigonometry/Pre-calculus Calculus Transition Mathematics for Seniors A minimum of one AP® math course	Additional AP® Mathematics Courses inclusive of AP® Computer Science A Advanced Mathematical Modeling STEM Readiness Mathematics Math IV TR Transition Mathematics for Seniors Mathematics college courses IB Program Courses Computer Science and Mathematics Dual Credit College Courses County Created and Approved Math Courses higher than Algebra II
Science*	Chemistry Human Anatomy and Physiology Physics Physical Science A minimum of one AP® science course	Additional AP® Science courses Environmental Science Forensics Science college courses Computer Science - GIS Dual Credit College Courses CTE Courses AC Energy and Power (courses 1-4) Animal and Plant Biotechnology Principles of Agriculture Science-Plan Principles of Engineering Human Body Systems AC Innovations in Science and Technology (courses 1-4) Natural Resources Management Therapeutic Services (Courses I, II, and III) Additional IB Program Courses
Social Studies*	Geography Contemporary Studies Economics	AP® Comparative Government and Politics AP® European History AP® Human Geography

	A minimum of one AP® social studies course	AP® Macroeconomics AP® Microeconomics AP® Psychology AP® World History IB Program Courses Financial Literacy Psychology Social Studies college courses Sociology Dual Credit College Courses JROTC (Courses 1-4)
World Language	Three levels of one world language	Other world languages based on student need and interest AP® World Language World Language college courses
Health*	Any courses required to satisfy a Personalized Education Plan	Other health courses based on student need and interest Health college courses
Physical Education*	Any courses required to satisfy a Personalized Education Plan and one lifetime physical education course	Other physical education courses based on student need and interest Physical education college courses The following JROTC courses will fulfill the 1 credit PE requirement: <ul style="list-style-type: none"> • JROTC I and II Counties may choose to allow specific school-sponsored extra-curricular and inter-scholastic activities to fulfill 1 PE credit.
The Arts*	Four sequential courses in music (both choral and instrumental), visual art (general art and/or studio art), dance, theatre	AP® Arts Courses Arts college courses The following CTE courses will fulfill the 1 credit Arts requirement: <ul style="list-style-type: none"> • Fundamentals of Illustration (1851) • Fundamentals of Graphic Design (1857) • Advanced Illustration (1861) • Advanced Graphic Design (1859) • Ornamental Metalwork (1982) • Digital Imaging I (1431) • Drafting Techniques (1727) • Floriculture (0213)

Career and Technical Education*	Schools must provide students access to programs of study in a minimum of six (6) of the 16 approved WV Career Clusters Schools must offer one foundation course that teaches parenting skills.	AC courses Other CTE courses based on student need and interest
Driver Education	One course	
Technology and Computer Science	Computer Science	Information Technology (IT) Information Management Web Development Other courses based on student need and interest All CTE Computer Science/IT Courses County Created Computer Science/IT Courses Computer Science in the Modern World

* See *High School Best Practices Document* provided by the Division of Teaching and Learning.

5.4.c. Programs of Study -- The programs of study identified in Charts I-V must be available to all students as noted above.

5.4.c.1. A student who transfers into a West Virginia school that has higher graduation requirements may not be able to complete these requirements. In such cases, the student's credits shall be evaluated to determine if one or more county and/or state requirements will be waived by the county or state superintendent.

5.4.c.2. If a student has been enrolled continuously in grades 9-12, the student shall be expected to meet the graduation requirements that were in effect when he or she entered grade 9 unless amended by WVBE policy.

5.4.c.3. If a student has enrolled after dropping out of school, the requirements that a student must meet depend upon the length of time he or she has been out of school. If the student has been out of school less than one academic year, he or she would be expected to complete the graduation requirements that were in effect when he or she entered grade 9 for the first time. If the student has been out of school one year or more, he or she would be expected to complete the graduation requirements in effect upon re-enrollment.

5.4.c.4. A student must be enrolled in a mathematics course each year of high school.

5.4.d. Uniform Grading -- All county boards of education must use the uniform grading rules established by the WVBE for those courses for which high school credit is to be awarded (W. Va. Code §18-2-5).

5.4.d.1. The following grading scale must be used for any course taken for high school credit, beginning with the 2018-19 school year, other than courses that county boards of education choose pursuant to Section 5.4.d.2.

5.4.d.1.A. Non-weighted course grading scale:

Average	Grade	Quality Points
90-100	A	4.0
80-89	B	3.0
70-79	C	2.0
60-69	D	1.0
0-59	F	0

5.4.d.1.B. County school systems may, but are not required to, adopt this grading scale for use in courses or grade levels for which high school credit is not involved.

5.4.d.2. County boards of education shall issue weighted grades for AP® courses, AC courses, and International Baccalaureate courses for which high school credit is to be awarded. Section 5.4.d.2.A sets forth the grading scale that must be used for AP® courses, AC courses, and IB courses beginning with the 2018-19 freshman cohort. County boards of education have discretionary authority to issue weighted grades for other advanced high school courses.

5.4.d.2.A. Weighted course grading scale.

Average	Grade	Quality Points
90-100	A	5.0
80-89	B	4.0
70-79	C	3.0
60-69	D	2.0
0-59	F	0

5.4.e. Personalized Education Plan -- All students in grades 9-12 will continue to develop and update their PEP using a thoughtful process that includes career investigation and self-discovery activities (interest, work values inventories), that assist students in identifying a career postsecondary education goal. Each student's individual assessment will be reviewed to ensure academic planning maximizes individual strengths, address weakness, and aligns with interests. A multi-faceted approach will be utilized to develop the PEP, including career research, self-discovery activities, and preliminary PEP development in teacher-led advisory, career research in course content areas, individual and group consultation with the school counselor, and other school and community career investigation activities.

5.4.e.1. During grade 9 and each subsequent year, each student reviews and updates his or her PEP in collaboration with the school counselor, teachers, advisors, and parent and/or guardian. Review of the PEP will include academic offerings, career plans, review of various interests, learning styles, career inventories, and academic assessments to guide changes to course selections.

5.4.e.2. During grade 10, the second phase of the PEP is developed. Students identify course selections for grades 11 and 12 and determine postsecondary plans for the first year after high school.

5.4.e.3. Students may amend their PEP at the end of any semester as long as it does not interfere with the completion of graduation requirements based on the availability of on-site and virtual

courses, and other alternative means for earning high school credit as per Sections 5.4.g.5 and 6.2. Each year when the PEP is reviewed, the student, parent and/or guardian, advisor, counselor and when appropriate the special education case manager will sign and receive a copy of the PEP.

5.4.e.4. Students may substitute one of the following in place of a course as listed in the applicable high school program of study: 1) a higher level course; 2) a more rigorous course; 3) an AP® course; 4) an IB course; 5) a college course; 6) an AC course; or 7) a dual credit course in accordance with approved local board policy. Parent and/or guardian must approve by signing the student's PEP.

5.4.e.4.A. Such substitution requests must be approved by the county superintendent (or designee) and principal. The decision as to whether a substitute course will count as credit must be based on its applicability to the student's 5-year PEP transition plan, postsecondary goals and/or program of study. Schools shall provide information regarding the availability of advanced courses to students and parents and strongly encourage students to take such courses based upon student interests and postsecondary goals.

5.4.e.4.B. The student and his or her parent and/or guardian must be advised of the decision of the superintendent (or designee) and the impact of the substitute course on the student's preparation for college, other postsecondary education, or gainful employment identified in the student's PEP.

5.4.e.4.C. A notation must be made on the student's PEP indicating that this process has been followed and that the parent and/or guardian and student has clearly understood the impact of the course substitution. The parent and/or guardian and student each has signed and received a copy of the modified PEP.

5.4.e.5. The PEP may include co-curricular activities and extracurricular activities.

5.4.e.6. For an eligible gifted student, a four-year education plan is developed during the grade 8 year by an IEP Team. The four-year plan replaces the PEP and includes the honors courses, AP® courses, AC courses, and/or IB courses that must be provided for the student in grades 9-12.

5.4.f. Graduation Requirements -- The state graduation requirements total 22 credits. See Chart IV for specific credits required for graduation.

5.4.f.1. The courses required for graduation, indicated in Chart IV, require mastery of the WVBE and county board of education approved content standards.

5.4.f.2. A county board of education must ensure high schools' schedules allow for mastery of the content standards of each course. When developing schedules, the principal and a team of teachers will determine the adequate amount of time necessary to achieve mastery of the approved content standards for each program of study and effectively address the academic needs of all students. If the staff develops a schedule with courses less than 8100 minutes and academic achievement is not at or above state proficiency for a minimum of two years, the school will review and adjust i schedule based on student need and be approved by the local board of education. State-approved Career Technical Education courses that lead to industry certifications or licenses requiring specific competencies or time-based instruction, shall be scheduled no less than ninety consecutive minutes per day equaling one hundred and thirty five hours per course. Counties must consider transportation times

to and from county and multi-county CTE centers when developing those schedules.

5.4.f.3. County boards of education have the authority to increase graduation requirements for schools in their counties. The county superintendent shall notify the WVDE of any changes in requirements beyond the state requirements.

5.4.f.4. County boards of education must ensure that students have access to at least four AP® courses annually (at least one from the content areas of English language arts, mathematics, science, and social studies). All AP® courses must have a syllabus approved through the College Board. All AP® course shall be taught by a teacher who has completed the required professional learning (Section 7.5.c.8). Access to AP® courses may also be attained via WVVS AP® courses. Section 5.4.d. requires that grades earned in an AP® course be weighted.

5.4.f.5. Additional courses not identified in Chart V may be offered to afford students the opportunity to attain mastery of the approved content standards, to broaden and enrich their education, and to support academic and career development. Any elective offering must be based on WVBE approved content standards if available or based on written content standards that are approved by the county board of education.

5.4.f.6. Students who do not meet the college- and career-readiness benchmarks (established in conjunction with the WV HEPC) for English language arts and/or mathematics prior to their senior year must enroll in a designated transition English Language Arts course and/or a designated transition mathematics course even if they already have the required number of credits in that area. Students may enroll in a higher level course with agreement between the student, his or her parent and/or guardian, and the school.

5.4.g. Alternative Means to Earn High School Credit -- County boards of education shall provide alternative means for students to earn high school credit as explained below.

5.4.g.1. Any student who successfully completes a high school level course (one meeting the high school approved content standards and taught by a content certified teacher) prior to grade 9 shall receive full credit for that course toward graduation requirements. The student's permanent record for grades 9-12 shall indicate completion of the courses. The grade for any credit-bearing course taken prior to grade 9 becomes part of the student's permanent record and is calculated in the student's grade point average (GPA).

5.4.g.2. County boards of education are encouraged to establish policy which permits a student who masters the approved content standards for a credit-bearing high school course that are embedded within a second course to receive credit for both courses. If these embedded credit courses are used to meet graduation requirements, the county policy and alignment documentation must be reviewed by the WVDE and approved by the WVBE.

5.4.g.3. County boards of education shall adopt a policy that allows students to earn credit for completion of college courses and other advanced courses outside the school setting. If these courses, including dual credit courses, are used to meet graduation requirements, the county policy and alignment documentation must be reviewed by the WVDE and approved by the WVBE.

5.4.g.4. County boards of education may develop tests for the purpose of accelerating

students by proving proficiency through assessment.

5.4.g.5. County boards of education shall adopt policies and programs that allow students to recover credit for failed high schools courses. Researched-based successful credit recovery programs require students to successfully master content rather than repeat an entire course.

5.4.g.6. All students will receive appropriate grades and/or credit for all work completed while attending school, regardless of the duration of their enrollment period. Students cannot receive credit for the same course twice.

5.4.g.7. West Virginia Virtual School (WVVS) - The WVVS, as per W. Va. Code §18-2E-9, was created to assure consistent high quality education for West Virginia students while utilizing technology delivered courses. In order for students to receive credit for an online or virtual course, he/she must be enrolled as a full or part-time student in a West Virginia public school.

5.4.g.7.A. To ensure student success as productive citizens upon transitioning from the Office of Diversion and Transition Programs (ODTP) schools, students must be provided with marketable job skills equal to those in nonresidential settings. Personalized learning options for students enrolled in ODTP schools are intended to be rigorous in delivery yet flexible in terms of graduation requirements. Career Integrated Experiential Learning (CIEL) is a CTE program of study that provides opportunities for students to test for multiple nationally recognized certifications while earning credit for relevant job-readiness skills, helping students to be college- and career-ready. All public schools in West Virginia will have the ability to use CIEL as a concentration beginning in the 2018-2019 school year. CIEL program of study credits will transfer to the receiving high school allowing for the continued enrollment for program of study and graduation credit for those who are unable to complete the program of study while in the juvenile setting. These CTE courses may be delivered in a traditional classroom setting or a virtual environment.

5.4.h. Attendance -- The following rules shall govern student attendance in grades 9-12.

5.4.h.1. Attendance for the full instructional day for during grades 9-12 is important so that students fully benefit from the educational programs offered in West Virginia schools. Therefore, all students shall be scheduled in the defined high school course work college courses, career and technical programs, credit recovery, Option Pathway, experiential learning, or virtual school courses for the full instructional day during grades 9-12.

5.4.h.2. County boards of education shall develop and implement within their attendance policy procedures the definition of compelling circumstances under which students may attend school for fewer than four full years and/or may be scheduled for courses for less than the full instructional day.

5.4.i. High School Diploma -- County boards of education shall award a high school diploma to every student who has successfully completed the standard graduation requirements.

5.4.i.1. An eligible student with disabilities who has been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional accommodation to meet state and county standard graduation requirements may receive a modified/alternate diploma (in effect through 2020). Students with disabilities receiving modified/alternate diplomas shall be allowed to

participate in graduation ceremonies with their same cohort and will continue with special education eligibility services.

5.4.i.2. The State-Defined Alternate Diploma first will be awarded beginning in the 2020-2021 school year. The Alternate Diploma will be available to the 2017-2018 ninth grade cohort. Eligible students with disabilities who have been determined by an IEP Team to be unable, even with extended learning opportunities and significant instructional accommodations, to meet state and county standard graduation requirements may receive a state-defined alternate diploma. These students participate in the alternate assessment based on alternate academic achievement standards. The state-defined alternate diploma must be standards-based, be aligned with state requirements for the regular high school diploma and be obtained within the time period for which the state ensures the availability of a free appropriate public education (FAPE).

5.4.i.3. An ODTP operated by the WVDE will transfer graduation credits to a county school district for the awarding of the high school diploma. County school systems are required to accept the transferred credit.

§126-42-6. Alternative Delivery of Education Programs.

6.1. The county board of education shall establish policies and implement written procedures when providing for alternative delivery of education and service programs for students. A thorough and efficient education must be available to all students, whether they are placed in regular or alternative programs.

6.2. Alternative Delivery Programs

6.2.a. Extended student learning may be offered based on student needs and as funds and other resources become available.

6.2.a.1. Extended student learning may include, but is not limited to: extended day or year; mini-courses; summer school or an alternative calendar that allows for year-round schooling; and experiential learning that may take place outside of the regular school calendar.

6.2.a.2. Extended student learning opportunities may be provided by the school system, community agencies, IHEs, businesses, or other entities under agreements authorized by the county board or WVBE. These agreements may include payment specifications for those parties using the facilities.

6.2.a.3. Students may elect to participate in extended learning opportunities and may receive elective credit when approved by the county board.

6.2.a.4. Provisions of W. Va. 126CSR99, WVBE Policy 4373, Expected Behavior in Safe and Supportive Schools (Policy 4373) and Policy 2520.19 shall be adhered to including, but not limited to, the provision of behavioral components in addition to academic coursework.

6.2.a.5. Alternative delivery of education programs may require a change in the student's placement to General Education, full time general education classrooms (GEE) are defined in W. Va. 126CSR16, WVBE Policy 2419, Regulations for the Education of Students with Exceptionalities

(Policy 2419). The change of placement to GEE must be addressed by the student's IEP Team and implemented in accordance with the requirements of Policy 2419.

6.2.a.6. Students with IEPs placed in integrated GEE and requiring accommodations must not exceed 30% of the total class enrollment in accordance with the requirements of Policy 2419.

6.2.b. All summer school programs shall be submitted to the WVBE for approval. Schools may award credits earned from approved summer schools provided the instructional program is equivalent to that required during the regular school term.

6.2.c. Homebound/Hospital Services

6.2.c.1. A student who, due to injury or illness as certified in writing by a licensed physician who specializes in the health condition, that may temporarily confine a student to home or hospital for a period that has lasted or will last more than three consecutive weeks will receive home/hospital services. The written statement from a licensed physician must include:

6.2.c.1.A. the specific reasons and period of time that the student must remain at home or in the hospital; and

6.2.c.1.B. the criteria or conditions under which the student will return to school, and the expected date of such return.

6.2.c.2. A written statement by a licensed physician who specializes in the health condition must be resubmitted at least every three months if a student's temporary home/hospital instruction is prolonged.

6.2.c.3. The county board of education may require that the parent and/or guardian obtain an opinion from a second licensed physician who specializes in the health condition at the expense of the county board.

6.2.c.4. Home/hospital services must be designed to provide the student adequate opportunity to continue learning toward mastery of grade level content standards while he or she is temporarily confined to home or hospital. These services may not replace full time instruction on an ongoing basis. The expectation is that the student will return to the regular classroom.

6.2.c.5. County boards of education shall develop and implement within their attendance policy procedures which shall outline and define the delivery of home/hospital services.

6.2.c.6. Since home/hospital services are temporary in nature, the home/hospital teachers are responsible for facilitating instruction only for approved content standards for core courses (i.e., English language arts, mathematics, science, and social studies). The home/hospital services are guided by the student's classroom teacher(s): consequently, the home/hospital teacher must be in regular contact with the classroom teacher(s) to:

6.2.c.6.A. secure and understand units/lessons, instructional plans, and instructional resources (including approved online and virtual options), and

6.2.c.6.B. establish procedures for the collection and return of student work to the classroom teacher(s) for feedback and assessment.

6.2.c.7. Home/hospital services provided for an exceptional student who is unable to attend school temporarily because of an injury, illness, or health condition, require a change in the student's placement to Out-of-School Environment (OSE) as defined Policy 2419. The change of placement to OSE must be addressed by the student's IEP Team and implemented in accordance with the requirements of Policy 2419.

6.2.c.8. Home and/or hospital services may also be provided temporarily at the direction of the county superintendent for students who have not met the immunization requirements of W. Va. Code §16-3-4.

6.2.d. Alternative Settings for Disruptive Students -- Students whose disruptive behavior places them at risk of not succeeding in the traditional school structure may be eligible for placement in an alternative education program as authorized by Policy 4373.

6.2.e. WVVS Options -- With the appropriate WVDE approval, the WVVS may provide additional course options to be taken through distance learning that will support the alternative delivery settings described in this section. This section does not apply when a county has a local policy for Virtual Instruction Program as allowed in W. Va. Code §18-5F-1 et. seq.

6.2.e.1. Course Approval

6.2.e.1.A. Online or virtual courses offered for public school credit shall be approved by the WVDE. In order for students to receive credit for online or virtual courses, a county superintendent or designee shall verify that courses and providers are WVDE approved.

6.2.e.1.B. Online or virtual course content will be reviewed for correlation with the current WVBE content standards. Courses shall include appropriate instructional materials. These materials are exempt from the mandatory primary source materials listed on the state multiple list.

6.2.e.1.C. Course providers will adhere to the state and federal privacy regulations regarding students.

6.2.e.2. Responsibilities

6.2.e.2.A. The county superintendent shall designate a WVVS contact at the school level who will be responsible for registering students. Any costs incurred by the WVVS contact are the responsibility of the local educational agency.

6.2.e.2.B. Each school is responsible for monitoring student progress and posting student final grades to WVEIS.

6.2.e.2.C. Each school is responsible for providing onsite technology and support to any student enrolled in a virtual or online course.

6.2.e.2.D. The WVVS will provide a highly qualified, certified online teacher for the

course.

6.2.e.3. Funding

6.2.e.3.A. The WVVS shall provide funding for online and virtual courses based on legislative appropriations.

6.2.e.3.B. Funding for online or virtual courses and associated materials may be provided through the school systems instructional budgets or grant awards.

6.2.e.3.C. The district or the parent/guardian will be responsible for the tuition for the selected online or virtual course(s) if legislative funding has been expended, the course is taken during the summer, or the student has previously taken the same course.

6.2.f. County Virtual Instruction Program

6.2.f.1. A county board or a multicounty consortium may create a virtual instruction program for one or more schools serving any composition of grades Kindergarten through twelve by adopting a policy creating the program and after adopting the policy may contract with virtual school providers. When there is a multicounty consortium, each county board in the consortium shall adopt a policy creating the virtual instruction program. No eligible students in grades Kindergarten through five may participate in a virtual instruction program until after the program has been in operation for one full school year.

6.2.f.1.A. The policy adopted by the county board pursuant to this section shall govern the virtual instruction program offered by the county board or multicounty consortium.

6.2.f.1.B. The policy shall be consistent with W. Va. Code §18-5F-1 et seq., and may offer eligible students in grades Kindergarten through twelve an online pathway for earning a high school diploma and, at a minimum, shall include the following:

6.2.f.1.B.1. The scope, instructional model and capacity for the virtual education program;

6.2.f.1.B.2. Assessment protocol and specific requirements for monitoring performance that are consistent with W. Va. Code §18-2E-5, including but not limited to, students participating in county virtual instruction must participate in the statewide summative assessment;

6.2.f.1.B.3. A plan for monitoring students receiving virtual instruction in accordance with pacing and completion of the required virtual coursework: Provided, that, if virtual instruction occurs in a public school classroom then a teacher, professional personnel, professional educator or paraprofessional employed by that county must be present to monitor;

6.2.f.1.B.4. Qualifications of faculty, which at a minimum shall include a teaching certificate issued pursuant to W. Va. Code §18A-3-1 et seq. and WVBE policies; and

6.2.f.1.B.4.(a). requirement that any virtual school provider contracted with comply with state and federal privacy laws.

6.2.f.2. The virtual instruction program is not subject to online course restrictions imposed by the WVBE, state superintendent, or the WVDE.

6.2.f.3. Coursework offered through a virtual instruction program shall be aligned to the appropriate academic standards as required by state law and WVBE policies.

6.2.f.4. Counties shall annually provide a copy of their virtual instruction program policy; a list of their chosen virtual school providers; number of students per grade level enrolled in their virtual instruction program; the number of students who are enrolled in the full-time virtual instruction program and the number who participated in a blended virtual instruction program; the number of students who were homeschooled, the number of students enrolled in a private school and the number of students enrolled in a public school immediately preceding enrollment in the virtual instruction program; and how the students enrolled in a virtual instruction program performed academically as compared with students in a traditional classroom setting to WVDE, Division of Teaching and Learning, Office of Middle and Secondary Learning.

6.2.g. West Virginia Option Pathway -- The Option Pathway is a blend of the CTE Pathway and the High School Equivalency Assessment. This pathway provides an opportunity for the high school students behind their ninth grade cohorts a second opportunity to graduate on time rather than dropping out of school.

6.3. Accountability for Alternative Programs

6.3.a. All alternative delivery of programs for Kindergarten through twelve must meet the standards and safeguards set forth in WVBE policies related to curriculum, instruction, and student support services.

6.3.b. Letters of agreement and/or contracts shall be used with external agencies, businesses and individuals to clarify responsibilities in areas such as student supervision, public access to school facilities, finance, and program accountability.

§126-42-7. County Board of Education Responsibilities.

7.1. The county board of education shall establish policies and implement written procedures to provide high-quality delivery of its education program. In meeting this responsibility, the county board shall address the components of a high-quality program listed below.

7.2. The county board of education shall implement the following administrative practices:

7.2.a. Ensure that all schools are safe and that the environment is conducive to learning.

7.2.b. Implement the following rules governing student attendance in grades Kindergarten through twelve:

7.2.b.1. Ensure that all students, ages 6-17, are attending public schools or are exempt from compulsory public school attendance under the provisions of W. Va. Code §18-8-1 et seq.

7.2.b.2. The student attendance rate will be adjusted for the allowable deductions defined

in W. Va. 126CSR81, WVBE Policy 4110, Attendance.

7.2.c. Provide assurances that the county comprehensive developmental guidance and counseling policy reflects provisions of Policy 2315.

7.2.d. Ensure that prior to the beginning of each school year, the principal and teachers at every school determine time allocations that, based on the needs of the students, maximize engaged instructional time and limit disruptions during the instructional day within the regular and alternative school calendars for specific instructional programs.

7.2.d.1. School calendars and schedules shall be organized to maximize academic learning time through a variety of strategies which may include, but are not limited to, restructuring the instructional day, providing tutorial sessions, utilizing appropriate technology, extending the instructional day, and/or extending the school year.

7.2.d.2. The school calendar shall meet the requirements of W. Va. Code §18-5-45 and W. Va. 126CSR73, WVBE Policy 3234, School Calendar (Policy 3234) by providing: 180 separate days of instruction, with a minimum instructional day of 315 minutes for Kindergarten and grades 1-5; 330 minutes for grades 6-8; and 345 minutes for grades 9-12.

7.2.d.3. Co-curricular activities may, by their nature, be scheduled within the school day.

7.2.d.4. Orientation programs for incoming Pre-K and Kindergarten aged children are acceptable means of providing instructional time.

7.2.e. Develop a District Strategic Plan.

7.2.f. Establish procedures at the county and school levels to ensure that formative and formal assessment data are used to identify student learning needs and to adjust instruction to meet those needs.

7.2.g. Provide a comprehensive system of career clusters and state-approved CTE program of study in order to ensure that students understand the breadth and scope of careers in the global digital workplace aligned to labor market demand.

7.2.h. Develop a system for ensuring that instruction is based upon approved content standards.

7.2.i. Appoint and maintain a county school system or multi-county technical center advisory council that meets at least twice a year to provide advice on current and future employment needs and on the relevant of courses being offered; meeting minutes must be kept on file for a minimum of two years. Each CTE program of study must have a program area advisory council that meets on a regular basis to advise on course content, including which skills should be taught, instructional resources and equipment needed, and standards which should be met to assure student employability or preparedness for further education and to ensure proper safety precautions are being followed.

7.3. The county board of education shall ensure that each school has:

7.3.a. a policy to maintain a safe climate conducive to learning that enhances the physical, social, and emotional well-being of students as outlined in Policy 4373;

7.3.b. a process for flexible scheduling of students and staff to ensure that every student has the opportunity to achieve or exceed mastery of each content standard;

7.3.c. a process for developing, providing, and participating in programs for professional learning based on research and Policy 5500;

7.3.d. a process for implementing content standards for learning so all teachers are aware of the instruction students have receive prior to entering the grade level they teach and what the expectations are for students to be able to succeed at subsequent grade levels;

7.3.e. a process for ensuring that instructional practices are evidence- and research-based;

7.3.f. a system for monitoring and assessing pupil performance related to the approved content standards of the school education program;

7.3.g. a policy for student homework;

7.3.h. a policy for grading that is consistent with Section 5.4.d and that addresses, at least, the issues of retention, promotion, and the replacement of a grade if a course is retaken;

7.3.i. a procedure for monitoring and continuing record of student progress for student, parent, and teacher information;

7.3.j. a process to ensure that parents are involved in the school and their child's education;

7.3.k. a system to monitor dropout rates and, when appropriate, plans to reduce the student dropout rate;

7.3.l. a process for timely, accurate, and complete entering of data into the WVEIS;

7.3.m. services that provide access to electronic means for retrieving, receiving, and using information as well as traditional print resources;

7.3.n. technology practices that facilitate student development in areas such as, but not limited to, computer skills, critical thinking and decision-making, application of academic knowledge in workplace programs, making informed career decisions, and meeting the requirements of Policy 2520.14;

7.3.o. a technology infrastructure that has multiple applications for enabling students to achieve at higher academic levels;

7.3.p. a school technology team that collaborates with the school strategic planning committee to develop a comprehensive technology plan that includes Policy 2460;

7.3.q. a Local School Improvement Council (LSIC) as outlined in W. Va. Code §18-5A-2 that

facilitates improvement of educational quality by encouraging the involvement of the school community in the operation of the school as outlined in W. Va. 126CSR11A, WVBE Policy 2200, Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education (Policy 2200), and by utilizing the waiver process when appropriate;

7.3.r. a faculty senate that facilitates school improvement through practices outlined in W. Va. Code §18-5A-5 and in accordance with Policy 3234;

7.3.s. a school curriculum team that establishes instructional programs and methods, based on the needs of the school, and that implements the state-approved content standards;

7.3.t. a continuous system of program assessment, accreditation, and program improvement; and

7.3.u. a School Strategic Plan that is based on the identified needs of the students and is developed collaboratively by the LSIC, the principal, faculty senate, school technology team, school curriculum team, and other appropriate stakeholders.

7.4. County boards of education must provide student services to ensure that students are able to participate in and benefit from a high-quality education program. These services include, but are not limited to: guidance and counseling, health services, school psychological services, special education and related services, social services, attendance services, transportation services, and nutrition services.

7.4.a. English as a Second Language services, or specially designed instruction, at no cost to parents, to meet the unique educational needs of an eligible limited English proficient student, including sheltered instruction conducted in the classroom and in other settings, shall be provided as specified in the student's program of study and in accordance with W. Va. 126CSR15, WVBE Policy 2417, Regulations and English Language Proficiency Standards for English Learners (Policy 2417).

7.4.b. School Counseling Program -- See W. Va. Code §18-5-18b, Policy 2315, and W. Va. 126CSR114, WVBE Policy 5100, Approval of Educators Preparation Programs. .

7.4.c. Breakfast and Lunch Programs -- See W. Va. 126CSR86, WVBE Policy 4321.1, Standards for School Nutrition (Policy 4321.1).

7.4.d. School Health Services -- School health services are coordinated through the certified school nurse (defined as a Registered Professional Nurse) to provide early identification of educational deficits and communicable disease, daily support and care for students with specialized health care needs during the instructional day with linkage, and follow-up care to services as required in W. Va. 126CSR25A, WVBE Policy 2422.7, Standards for Basic and Specialized Health Care Procedures (Policy 2422.7), and W. Va. 126CSR51, WVBE Policy 2423, Health Promotion and Disease Prevention. Emphasis is placed on preventive services, health promotion, and education to support academic success, reduce absenteeism, and promote lifetime health and wellness.

7.4.e. School Psychological Services -- School psychological services facilitate the interpersonal and academic development of all students and foster the social/emotional health and the academic success of students. School psychologists assist teachers and other school personnel with assessment information, academic and behavior intervention plans, and understanding student implications in

relation to school performance and safe school considerations.

7.4.f. Compulsory School Attendance -- W. Va. Code §18-8-1a requires compulsory school attendance to begin with the school year in which the sixth birthday is reached prior to September one of such year or upon enrolling in a publicly supported Kindergarten program and to continue to the seventeenth birthday or for as long as the student continues to be enrolled in a school system after the seventeenth birthday. Beginning in the school year 2019-2020, compulsory school attendance begins with the school year in which the sixth birthday is reached prior to July 1 of such year or upon enrolling in a publicly supported Kindergarten program.

7.4.g. Special Education -- See Policy 2419 and Policy 2422.7.

7.4.h. Transportation -- See W. Va. 126CSR92, WVBE Policy 4336, West Virginia School Bus Transportation Policy and Procedures Manual.

7.5. Personnel

7.5.a. County boards shall employ supervisory/administrative staff who are professionally certified administrators who have met the requirements of training through the principal's academy as identified in W. Va. Code §18A-3-2c.

7.5.b. Principals shall be provided continuous, high-quality, and sustained professional learning opportunities through a variety of means that increase the principal's ability to be an instructional leader so that students can achieve high levels of performance in the approved West Virginia content standards.

7.5.c. County boards shall:

7.5.c.1. employ highly qualified teachers to implement each program of study;

7.5.c.2. ensure that professional staff members are working in the areas of endorsement specified on their certificates;

7.5.c.3. ensure that teachers have a specific knowledge of the approved content standards for all programmatic levels (Pre-K-12);

7.5.c.4. ensure that professional staff are provided continuous high-quality, sustained, and classroom-focused professional learning that increases the knowledge and skills required to create conditions that result in students achieving high levels of performance in the approved West Virginia content standards;

7.5.c.5. ensure Alternative Education Programs, as outlined in Policy 4373, provide for the participation of content area certified teachers in the development of the academic curriculum and the assessment measures to determine mastery of approved content standards;

7.5.c.6. ensure that the Support for Improving Professional Practice Plan (SIPP) provides a comprehensive system of support for all teachers and administrators per provisions of W. Va. Code §18A-3C-3;

7.5.c.7. ensure that all teachers and library/media professionals are provided a duty free planning period that is the length of the usual class period and is not less than 40 minutes per (W. Va. Code §18A-4-14);

7.5.c.8. ensure that all secondary teachers who teach College Board AP® courses have completed the required professional learning. This professional learning consists of an Advanced Placement® Summer Institute (APSI) delivered through the West Virginia Center for Professional Development (CPD) or other College Board endorsed APSI;

7.5.c.8.A. Teachers of AP® courses must attend an APSI once every three years after completing the initial APSI. Teachers of AP® courses may also meet the requirement for attendance at the APSI by holding the Advanced Placement® credentials outlined in W. Va. 126CSR136, WVBE Policy 5202: Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification.

7.5.c.9. ensure that an administrator from each high school attends a CPD College Board endorsed AP® related workshop once every two years; and

7.5.c.10. ensure that all AP® coordinators attend an AP® Coordinator's workshop annually.

7.5.c.11. annually provide a program for all personnel, during at least one non-instructional day of the school term, in global competence and the study of diversity and multicultural education as per W. Va. Code §18-5-15a.

7.5.d. County boards shall:

7.5.d.1. Employ aides and/or Early Childhood Classroom Assistant Teachers (ECCAT) to enhance the instructional environment and provide time to ensure educational quality in the classroom;

7.5.d.1.A. Aides assist teachers with non-instructional duties and in instructional related activities in appropriate programs. Duties may include, but are not limited to: a) clerical and technical assistance; b) in-class assistance; c) tutorial services; d) distribution of instructional resources; e) supervision of students in the instructional environment or as otherwise assigned (W. Va. Code §18A-5-8); f) assistance with technology utilization; and g) in some cases, performance of basic or specialized health care procedures;

7.5.d.1.B. All Kindergarten and Pre-K classroom aides must hold an Early Classroom Assistant Teacher Permanent Authorization or Temporary Authorization (W. Va. Code §18-5-18).

7.5.d.1.C. One ECCAT is assigned to a Kindergarten classroom if the class enrollment exceeds 10 students. Kindergarten classroom ratios should be maintained throughout the instructional day, including art, physical education, music or additional related courses.

7.5.d.1.D. All WV Pre-K classrooms shall have adequate supervision at all times. When students are on the premises, a WV Pre-K participating program shall ensure that two adults are present with children per Policy 2525. One of the two adults may be an ECCAT.

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7.5.d.1.E. Aides are available for eligible students with disabilities as needed to implement the IEP and as set forth in the Policy 2419.

7.5.d.1.F. ECCAT and Aides assigned to a school are scheduled by the principal.

7.5.d.2. Use community resources, when appropriate, in innovative ways on a volunteer, part-time or contractual basis in order to complement, support, or extend the instructional program, including the provision of experiential learning opportunities.

7.5.e. Implement an employee evaluation system based on W. Va. 126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel.

7.5.f. Implement a comprehensive system of professional learning that includes the implementation of Policy 5500.

7.6. Maximum Teacher Pupil Ratios

7.6.a. As per W. Va. Code §18-5-18a, county boards of education shall provide sufficient personnel, equipment, and facilities as well ensure that each classroom does not exceed the following enrollment guidelines in Chart VI.

7.6.b. Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable enrollment differences due to subject area and/or grade levels.

7.6.c. Any Kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades 4-6 who has more than 25 pupils shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for Kindergarten teachers or 25 for teachers of grades 4-6 for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid exclusively from county funds.

7.6.d. Split grade classrooms must adhere to the ratio of the lowest grade level.

Chart VI: Maximum Teacher Pupil Ratios		
Grade	Maximum Enrollment	Exceptions
Pre-K One ECCAT is required	20	0 <i>Includes classrooms having two or more grades that includes Pre-K</i>
Kindergarten One ECCAT is required for enrollments of more than 10	20	3 additional with compensation <i>Includes classrooms having two or more grades one of which includes Kindergarten</i>
Grades 1-3	25	0 <i>Includes classrooms having two or more grades that include grades 1-3</i>

Grades 4-6	25	3 additional with compensation
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Chart VII: Additional Exemptions to Maximum Teacher Pupil Ratios	
Physical Education Grades 5-6 when in a middle school setting	Maximum Enrollment is at the discretion of the county ³
Choral and band/orchestral music	Maximum Enrollment is at the discretion of the county

7.7. Facilities - County boards shall ensure that facilities meet the standards set forth in W. Va. 126CSR172, WVBE Policy 6200, Handbook on Planning School Facilities.

7.8. Instructional Resources, Supplies, and Equipment -- County boards shall:

7.8.a. Ensure that the instructional resources used as the primary resource for instruction in required programs of study are on the most recent list of state adopted instructional resources or have been exempted by the WVBE through an approved waiver or through the WVVS course approval process.

7.8.a.1. Select additional instructional resources, including virtual/online resources that will be used to provide opportunities for credit recovery. This does not include resources used to deliver first time course credit. When selecting additional credit recovery resources, the following protocols should be met:

7.8.a.1.A. verify that a local team of educators has reviewed the credit recovery program content for the respective courses to ensure that the material aligns with the approved content standards,

7.8.a.1.B. provide the WVDE with the name(s) of instructional materials used for credit recovery purposes, and

7.8.a.1.C. follow all state and local purchasing procedures when obtaining course content.

7.8.b. Establish procedures to select instructional resources and supplemental resources that correlate with approved content standards for each content area.

7.8.c. Ensure that appropriate instructional resources and equipment are available for the full instructional term, are in good operating condition, and are sufficient for the size of the group to be served.

³ W. Va. Code §18-5-18a states: "the State Superintendent is authorized, consistent with sound educational policy, (a) to permit on a statewide basis, in grades 4-6, more than twenty-five pupils per teacher for the purposes of instruction in physical education" Accordingly, for 5th and 6th grade physical education classrooms located in a middle school, counties are given the discretion to determine the maximum number of students permitted per class taking into consideration health, safety, and instructional needs of students.

7.8.d. Ensure that a copy of the approved content standards is provided to each teacher and ensure that the public has been provided information and access to materials for review upon request.

7.8.e. To the extent practicable, and as funds and other resources are available, provide access to instructional technologies outside the normal instructional day for use by students including those in adult education, teachers, parents, and citizens.

7.9. Information Systems -- County boards of education and school shall participate in WVEIS and other WVDE data collections through adherence to data collection calendars and guidance documentation, which are developed and maintained through the WVDE data governance structure per W. Va. 126CSR94, WVBE Policy 4350, Procedures for the Collection, Maintenance and Disclosure of Student Data, to ensure compliance with state and federal reporting requirements and to support the population and sustainability of the state's longitudinal data system for educational decision making.

7.10. District Improvement

7.10.a. District Strategic Plan -- Each county shall develop and implement a District Strategic Plan that contains procedures and activities to strengthen the district education program in order to increase student achievement and positively impact other student outcomes. The District Strategic Plan addresses the areas in the West Virginia Grants and Planning System (WVGPS) online platform: 1) core beliefs and mission, 2) improvement goals, 3) a plan that includes performance measures, strategies, action steps and professional learning, 4) a system for monitoring and supporting the implementation and effectiveness of activities 5) an evaluation process and 6) West Virginia Support for Improving Professional Practice (WVSIPP).

7.10.b. The District Strategic Plan shall: be prepared through a collaborative process by the District Leadership Team; be facilitated by the superintendent or appointed designees; and be based on a comprehensive needs assessment, which includes relevant district-wide data. The leadership team includes members who have the expertise to examine district-wide practices, analyze student performance data, and determine effective improvement strategies. The team shall incorporate information from School Strategic Plans and various stakeholders.

7.10.c. The District Strategic Plan shall be completed by July 1 of each year, for the upcoming academic year, shall be monitored and adjusted throughout the academic year as needed, and shall be revised annually as indicated by changes in student performance data and other information such as monitoring reports, accreditation results, or changes in school conditions.

7.10.d. District Strategic Plans shall be based on needs identified in School Strategic Plans.

7.10.e. District Leadership Team -- Each district shall have a District Leadership Team which is responsible for supporting the continuous improvement of all schools and for identifying targeted support and assistance to the schools falling below acceptable performance. The District Leadership Team members are appointed by the county superintendent, comprised of school and district staff and may include such individuals as distinguished teachers, distinguished principals, special education professionals, Title I professionals, WVDE professional, curriculum and instruction professionals, technology integration specialists, and/or data analysis professionals.

7.10.f. The District Leadership Team shall have the following responsibilities:

7.10.f.1. County-wide student performance data is utilized to determine trends and priorities for improvement. This data may include local, state, and national summative and formative achievement data including attendance data, early warning indicators, graduation rates, discipline trends, and College- and Career-Readiness Progress measures; and

7.10.f.2. Make recommendations for district-wide improvement priorities and school-specific support, including assistance for schools falling below acceptable standards of performance as identified in needs assessment and strategic planning at the school level; and

7.10.f.3. Collaborate with parents, community stakeholders, school staff, county staff and School Leadership Teams in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address district-wide identified improvement needs, and specifically, student learning needs; and

7.10.f.4. Utilize the West Virginia Standards for High-Quality Schools, as stated in W. Va. 126CSR12, WVBE Policy 2322, Standards for High Quality Schools (Policy 2322), as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment; and

7.10.f.5 Review agency monitoring reports relevant to improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, technology integration issues, and any other reports the District Leadership Team finds helpful to inform deliberation and decision-making; and

7.10.f.6. Make additional recommendations concerning assistance needed by the individual school or areas considered as district priorities.

§126-42-8. School Based Responsibilities.

8.1. Strong leadership by the administration and faculty is necessary for effective schools to produce higher levels of student achievement. Shared leadership, based on the Policy 2322, must be in place in order for schools to be effective in meeting the needs of students and improving student learning.

8.2. Student Assistance Team -- Each public school shall establish a student assistance team that:

8.2.a. consists of a school administrator or designee, who shall serve as a chairperson, a current teacher(s), a parent/guardian, and other appropriate professional staff;

8.2.b. reviews individual student needs that have persisted despite being addressed through academic and/or behavioral support;

8.2.c. allows parents to review recommendations made by the team regarding the child's program and to provide feedback to the team about those recommendations;

8.2.d. is trained in referral procedures for multidisciplinary evaluations, Alternative Education

placement, disciplinary procedures, general summative assessment accommodations, and other school processes as appropriate for ensuring student progress and maintenance of a safe school environment; and

8.2.e. collects and maintains data on the activities of the team, including the dates of meetings, the members in attendance, the recommendations of the team, the dates of review meetings, and the results of its recommendations.

8.3. School Improvement

8.3.a. School Strategic Plan -- Every school must develop and implement the School Strategic Plan. The School Strategic Plan outlines strategies and processes the school will implement to improve student performance and address student needs. The School Strategic Plan adheres to the following criteria:

8.3.a.1. Is prepared through a collaborative process by a school leadership team, facilitated by the principal, a comprehensive needs assessment, which includes relevant school wide data will be created. The leadership team includes members who have the expertise to examine school-wide and classroom practices, analyze student performance data, and determine effective improvement strategies. The team incorporates information from various stakeholders and other school committees and teams.

8.3.a.2. Addresses the areas in the WVGPS online platform: 1) core beliefs and mission, 2) improvement goals, 3) a work plan that includes performance measures, strategies, action steps and professional learning, 4) a system for monitoring and supporting the implementation and effectiveness of activities, and 5) an evaluation process.

8.3.a.3. Is predicated on the establishment of high expectations for performance of all students and staff in the school.

8.3.a.4. School Strategic Plans shall be completed prior to the closing of the preceding academic year for the following academic year and should be monitored and adjusted throughout the school year as needed and be revised annually as indicated by changes in student performance data and/or other information such as monitoring reports, accreditation results, or changes in school conditions.

8.3.b. The School Leadership Team shall have the following responsibilities:

8.3.b.1. Analyze student performance data appropriate to the programmatic level of the school to determine trends and priorities for improvement. This data may include local, state, and national summative and formative achievement data including, attendance data, student grades, early warning indicators, graduation rates, discipline trends, and College and Career Ready Progress measures;

8.3.b.2. Utilize the standards in Policy 2322 as a guide for self-assessment, decision-making, professional development, and strategic planning through conducting root cause analysis and needs assessment;

8.3.b.3. Review agency monitoring reports relevant to school improvement priorities such as diagnostic review reports, audits, Title I monitoring results, special education monitoring results, and any other reports the School Leadership Team finds helpful to inform deliberation and decision-making;

8.3.b.4. Collaborate with parents, community stakeholders, school staff, county staff and the District Leadership Team in the formulation of the strategic plan, plan implementation, and continuous plan monitoring to address identified school improvement needs, and specifically, student learning needs and;

8.3.b.5. Make additional recommendations to the District Leadership Team concerning additional assistance that is needed for the school.

8.3.c. Schools will be selected to receive technical assistance based upon their status with regard to the measures set forth in West Virginia's approved Accountability and Accreditation System.

§126-42-9. Assessment Program.

9.1. Statewide Assessment Program

9.1.a. All public school students shall participate in the West Virginia Measures of Academic Progress (WV-MAP) identified in W. Va. 126CSR14, WVBE Policy 2340, West Virginia Measures of Academic Progress (Policy 2340).

9.1.a.1. WV-MAP is the comprehensive assessment system for West Virginia that measures student performance and is used as part of the annual school designation process (see Policy 2340).

9.2. School, County and Other Assessments

9.2.a. The school or county may develop assessments aligned with the content standards to drive instructional improvement for all students.

9.2.a.1. Assessments may include standardized, non-standardized, performance assessments, end-of-course/program of study (EOC) exams, portfolios, observation performance data, achievement checklists, teacher-made tests, and other assessments that are at the direction of and use by the classroom teacher.

9.2.a.2. A formative assessment process shall be used in all grades to provide educators with information to inform instruction, personalize planning, and share individual students' progress with families in meaningful ways.

§126-42-10. Program Accountability.

10.1. The WVBE has adopted the following goals from West Virginia's Consolidated State Every Student Succeeds Act (ESSA) Plan to guide accountability for schools, county school districts and the state.

10.1.a. By 2030, all schools will meet their West Virginia Accountability Indicator targets in each of the following areas: proficiency rates; College and Career Ready Progress measure; graduation rates;

English Learner progress; and Student Success measures.

10.1.b. By 2030, All schools will demonstrate annual gains in math and reading proficiency based on Lexile and Quantile measures.

10.1.c. By 2030 all elementary and middle schools will demonstrate progress, as measured by benchmark assessments and all high schools will demonstrate College and Career Ready Progress as measured by the number of students on track to graduate and postsecondary achievement.

10.1.d. By 2020, at least 90% of all students will graduate from high school within four years of enrolling in grade 9, and by 2030 at least 95% of all students will graduate from high school within five years of enrolling in grade 9.

10.1.e. Schools will demonstrate adequate performance on additional indicators of student success, attendance, and behavior.

10.2. A single system of accountability will be applied to all public schools. See West Virginia's approved Accountability and Accreditation System for guidelines for the accountability system.

§126-42-11. Glossary.

11.1. Advanced Career (AC) -- The Southern Regional Education Board (SREB) model calls for designing, implementing, and continuously improving four courses in a specific career field that ensure it is rigorous enough for students to meet college- and career-readiness standards. Two of the courses are considered foundational and two are more advanced, with the potential for students to earn dual credit.

11.2. Advanced Placement® (AP®) -- AP® courses are college-level courses offered in high school that provide students the opportunity to earn credit or advanced standing at most of the nation's colleges and universities.

11.3. Advisory Council -- Groups of local employers and other designated stakeholders who provide advice to school districts, multi-county centers and technical program areas on issues relating to career and technical education, including current and future employment needs, standards, curriculum and equipment.

11.4. The Arts -- The programs of study for dance, music, theatre, and visual art.

11.5. Career Awareness -- The opportunity for students to learn about and develop an appreciation of the broad concepts related to work, career, and educational preparation.

11.6. Career Cluster -- A broad grouping of related occupations representative of the types of occupations available in the world of work.

11.7. Career Development -- The process through which a student comes to understand the world of work.

11.8. Career Exploration -- The opportunity within the education program for students to conduct self-assessment, access career information, examine multiple career options and initiate education

planning based on a tentative career focus.

11.9. Career Integrated Experiential Learning (CIEL) -- Personalized CTE program of study developed to meet student needs by providing them marketable job skills and opportunities to test for multiple nationally recognized certifications.

11.10. Career Technical Education Centers -- Where two or more high schools within the county join together to provide programs at a CTE center that serves students from the participating county.

11.11. Character Education -- An integrated and comprehensive approach to promote an understanding and inspire development of general character traits such as respect, responsibility, caring, citizenship, justice, fairness, and trustworthiness. Character education utilizes existing curricula, along with new and existing projects, programs, and activities.

11.12. Class Period -- A block of time provided for instruction in a course within a program of study.

11.13. Co-curricular Activities -- Activities that are closely related to identifiable academic programs and/or areas of study that serve to complement academic and technical curricula. Students should be permitted to participate in co-curricular activities, directly tied to the standards and/or programs of study, during the school day and beyond.

11.14. College Course -- Any course for which college credit is awarded (e.g., dual credit, regular college course).

11.15. Comprehensive High School -- A high school that provides students access to concentrate in a minimum of six (6) of the 16 approved WV Career Clusters.

11.16. Comprehensive School Counseling Program -- A program coordinated by a certified school counselor and delivered collaboratively by stakeholders to assist students in achieving academic, personal, and career goals (see Policy 2315).

11.17. Content Standard -- A broad description of knowledge and skills that students are expected to acquire in a content area.

11.18. County -- Any reference to a county or county board within this policy includes public schools supervised by the WVBE and WVDE.

11.19. County Steering Committee -- A committee that includes parents and representatives from business, labor, higher education, economic development, LSICs (one member from each programmatic level, Pre-K-5, 6-8, 9-12), faculty senates (one teacher from each programmatic level, Pre-K-5, 6-8, 9-12), students (one from each programmatic level 6-8 and 9-12) and the other organizational entities in the community. These members may be part of the stakeholder group that develops and implements the School System Strategic Plan.

11.20. Curriculum -- An intentional learning plan to ensure students achieve the goals of the standards, the curriculum represents the learning experience.

11.21. Diploma -- Formal documentation and recognition that a student has satisfactorily completed the graduation requirements of the state and county school district.

11.21.a. A Standard Diploma is awarded to all students who have satisfactorily completed the graduation requirements for the state and county school district.

11.21.b. A Modified/Alternate Diploma (in effect through 2020) is formal documentation and recognition that an eligible student with disabilities, who is unable to meet the graduation requirements for a standard diploma, has met the modified/alternate diploma requirements specified on the student's IEP. It is recommended students with disabilities who receive a Modified/Alternate Diploma participate in general graduation ceremonies with their ninth grade cohort peers. A student receiving a modified/alternate diploma may continue his or her education until the student turns 21 years of age, that is, the year in which the student is 21 years of age prior to September.

11.21.c. The state-defined alternate diploma is standards-based, and aligned with state requirements for the regular high school diploma and, can be obtained within the time period for which the state ensures the availability of a FAPE.

11.22. District -- Any reference to a county or county board within this policy includes public schools supervised by the WVBE and WVDE.

11.23. Dual Credit Course -- A course that provides students both high school and college credit. Such a course must meet both the specified course content standards for secondary offerings and the college course requirements.

11.24. Education Program -- A structure for defining, delivering, and being accountable for a thorough and efficient system of education. This structure is applicable at the state, county, and school levels.

11.25. Elective Courses -- Courses students may choose to study based on interest.

11.26. Eligible Students with Disabilities -- Those individuals who have one or more of the disabilities defined in the Individuals with Disabilities Education Improvement Act and Policy 2419 and who, by reason thereof, need special education and related services.

11.27. Eligible Students with Exceptionalities -- Those individuals who are gifted or exceptional gifted as defined in the Policy 2419 and/or who meet the definition of eligible students with disabilities in this policy and the Policy 2419 and who, by reason thereof, need special education and related services.

11.28. Embedded Credit -- Incorporation of content standards for an embedded credit from one credit bearing high school course into another (host) course(s) and allows students to earn credit for both. Embedded credit does not allow for two courses in the same content area (e.g., Math IIITR and Math IVTR) to be embedded into one course.

11.29. End-Of-Course/Program of Study Tests (EOC) -- Assessments that measure student achievement in a course based on the approved content standards for each course/program of study.

11.30. English Learners -- Those individuals who, in accordance with the requirements of Policy 2417, have been determined to be LEP and in need of specially designed instruction.

11.31. Executive Functioning -- Executive functioning is the cognitive process that enables us to plan, initiate and complete an activity while controlling temper, maintaining attention, and responding to feedback from others.

11.32. Extracurricular Activities -- Activities that are not part of the required instructional day or curricular offerings but are under the supervision of the school. Schools facilities may be used for athletics, non-instructional assemblies, social programs, entertainment, and other similar activities. All rules and policies that apply to the instructional day also apply to extracurricular activities (see W. Va. 126CSR26, WVBE Policy 2436.10, Participation in Extracurricular Activities).

11.33. Foundations Course -- An elective course that enhances students' skills or provides an introduction to further in-depth studies in a CTE program of study.

11.34. Grade Level -- The class structure that is used to organize and deliver education within West Virginia public schools. The public school education experience is divided into levels, Pre-K-12.

11.35. Graduation Requirements -- The number of required and elective units of credit that must be earned by a student in order to be graduated from high school (see Sections 5.4.f and 5.4.h).

11.36. Individualized Education Program (IEP) -- A written statement for each eligible student with a disability, gifted (grades 1-8), and/or exceptional gifted student (grades 9-12) that is developed, reviewed, and revised in accordance with the Policy 2419.

11.37. Individual Work Ready Competencies (IWRC) -- Individual Work Ready Competencies provides students with mild learning deficits the opportunity to gain valuable work readiness and occupation specific skills through a CTE career program of study cluster through a modified curriculum.

11.38. Instructional Day -- Time allocated within the school day for the teaching and mastery of content standards.

11.39. Integrated Physical Education -- A blended learning approach that combines a free abbreviated online Physical Education (PE) course, monitored by the physical education teacher, with a physically active credit bearing elective course (e.g. Show Choir, Dance, etc.) fulfilling the high school PE credit requirement.

11.40. International Baccalaureate Diploma Program (IB) -- A comprehensive two-year international curriculum designed for highly motivated secondary school students aged 16-19. IB is a rigorous pre-university course of study that leads to examinations. IB students generally receive college credit for successful completion of IB courses. The International Baccalaureate Organization has also designed programs for primary and middle school students.

11.41. Intervention -- Additional instruction and time, utilizing multiple strategies and assessments, to ensure student mastery of the content standards. The practice of removing students from any required course for intervention is discouraged.

11.42. Learning Skills -- The skills of information and communication, critical thinking and problem-solving, personal and workplace productivity skills and proficiency in the use of technology tools. Learning skills enable students to acquire new content knowledge and skills, connect new information to existing knowledge, learn new software programs, and learn new ways of completing tasks using technology tools.

11.43. Local School Improvement Council (LSIC) -- A local advisory group composed of three teachers, three parents, two service employees, the principal, two at-large members appointed by the principal, and one student from a school enrolling students in grade 7 or higher. The LSIC focuses on improving the education program and operation of the school; has authorization to request waivers of local or state rules, policies and state superintendent interpretations; assists in the development of The Strategic Plan and can apply for grants and awards.

11.44. Mastery -- Student has met the grade or course level expectations for the content standards.

11.45. Multi-County Center -- When two (2) or more contiguous county school districts join together to provide programs at a CTE center that serves students from all participating districts. Refer to W. Va. 126CSR71, WVBE Policy 3232, Establishment Procedures and Operating Policies for Multi-County Career and Technical Education Centers.

11.46. Personalized Education Plan (PEP) -- A plan developed to guide students and their parent and/or guardian to thoughtfully explore individual interests and aptitudes in relation to academic and career planning. Each student's course selections are based on individual career aspirations and postsecondary plans.

11.47. Pre-Kindergarten (Pre-K) -- The voluntary education program for all four-year-old children and three-year-old children with identified special needs that addresses the growth and development of children in the areas of social/emotional growth, the arts, physical health, language and literacy, mathematics, social studies and science. West Virginia's Pre-K is a readiness system designed to promote the success of children in Kindergarten and lifelong learning (see Policy 2525).

11.48. Program of Study -- The selection of high school courses that enables students to master the knowledge and skills needed to succeed in their chosen clusters and program of study that leads to success in the global workplace and postsecondary education.

11.49. Programmatic Level -- A component of the Pre-K-12 educational spectrum that addresses the developmental needs of one age group of students. Programmatic levels described in this document include Early Learning Programs (grades Pre-K-5), Middle School Programming (grades 6-8), and High School Programming (grades 9-12).

11.50. Required Courses -- Those courses that all students must complete.

11.51. School Day -- The time, inclusive of the instructional day, homeroom, class changes, breaks/recess, lunch, and other non-instructional activities.

11.52. School Improvement -- A continuous process to increase student achievement and positively affect other student outcomes. School improvement builds the capacity of all entities, both

state and local, to improve student success.

11.53. School Strategic Plan -- A plan that specifies how the school intends to increase student achievement and positively impact other student outcomes. The School Strategic Plan must be developed and implemented using a continuous improvement process, be based on all available data regarding student achievement, and align with the goals of the district's School System Strategic Plan (see Section 8.3).

11.54. School System Strategic Plan -- A plan that specifies how the county school system intends to strengthen the county education program in order to increase student achievement and positively impact other student outcomes (see Section 7.2.e).

11.55. Section 504 -- Section of the Rehabilitation Act of 1973 (29 U.S.C. §701), and prohibits discrimination by recipients of federal financial assistance. Section 504 provides a broad spectrum of protections against discrimination, which includes instruction, athletics, and extracurricular activities.

11.56. Semester -- A block of instructional time that is equivalent to at least one-half of the school year. For example, 90 instructional days are equal to a semester in a traditional school term of 180 instructional days.

11.57. Simulated Workplace -- A career technical education initiative created to assist schools in implementing work place environmental protocols that align with West Virginia business and industry.

11.58. Student Assistance Team -- A trained school-based team which provides a formalized process for the review of student needs and complements the work of instruction and intervention teams.

11.59. Personalized Learning (PL) -- A multi-tiered system of academic and behavior support which districts and schools can use to ensure every learner is engaged in learning experiences that are relevant to their needs and maximize their growth.

11.60. Technology Integration -- The use of technology throughout content areas to help students master the approved content standards, including standards found in Policy 2520.14, and become lifelong learners.

11.61. Technology Plan -- The county boards of education must develop and update a county technology plan (see Policy 2460).

11.62. Technology Tools -- Important 21st century technology tools include information and communication technologies such as computers, networking, and other technologies. Technology tools, when integrated in classroom instruction, enable students to access, manage, integrate, and evaluate information across content areas, construct new knowledge and communicate efficiently with others.

11.63. West Virginia Report Card -- Information provided to parents and the general public on the quality of education in the public schools that is uniform and comparable among schools within and among the various school districts as defined in W. Va. Code §18-2E-4.

11.64. Work Day -- Time allocated for the instructional day and other activities such as homeroom,

class changes, lunch, planning periods, and staff development that may not exceed eight clock hours.

§126-42-12. Severability.

12.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.